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Attorneys for Involuntary Debtor
Dave R. Michal

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re: Case Number 22-22056

DAVE R. MICHAL

Case Number 22-22056

Chapter 7

DCN: DBL-1

Hearing Date: October 3, 2022
Hearing Time: 9:00 a.m.
The Hon. Fredrick E. Clemen
Departemt 28, Courtroom A

**DECLARATION OF PATRICIA WILSON IN SUPPORT OF
INVOLUNTARY DEBTOR'S MOTION TO DISMISS THE
INVOLUNTARY PETITION FILED AGAINST HIM, AND
FOR ATTORNEY'S FEES, COSTS AND SANCTIONS
AGAINST CREDITORS AND THEIR ATTORNEY,**

I, PATRICIA WILSON, hereby declare as follows:

24 1. I am an attorney admitted to practice in the State of California and am the attorney
25 representing Involuntary Debtor Dave R. Michal. I have personal knowledge of the facts set
26 forth below and, if called as a witness, would so testify.

27 2. When I first met with Mr. Michal to discuss the Involuntary Petition that had been
28 filed against him two days before, he assured me that Petitioners' allegations in their Petition

1 that he was “generally not paying his debts as they came due” were absolutely false.

2 Mr. Michal told me that for many years, he has been a successful Private Equity Investment
3 Manager, and that he regularly paid his debts promptly when they became due.

4 3. In order to obtain admissible evidence for this Court that Mr. Michal in fact did and
5 does pay his debts as they come due, on August 28, 2022, ten days after Petitioners filed their
6 Involuntary Petition against Mr. Michal, I ran a credit report on him through CinLegal Data
7 Services. CinLegal Credit Reports note at the bottom of each page that their reports include
8 reporting data from Transunion, Experian, Equifax and LexisNexis. Our debtor bankruptcy
9 law firm regularly uses CinLegal Reports in preparing the Voluntary Bankruptcy Petitions for
10 our clients.

11 4. My review of Mr. Michal’s August 28, 2022 report showed that he presently has only
12 four active debts: Two vehicle loans from a local credit union in Redding, one Citibank credit
13 card, and one Capital One credit card. The Credit Report shows monthly payments for all four
14 debts total \$2,376, which all are current, and that all have continuously been “paid as agreed,”
15 with zero past due entries. My review of every page of Mr. Michal’s Credit Report showed that
16 all entries for all loans, credit cards and other credit sources not currently being used also
17 indicated only “paid as agreed,” with zero past due entries. Copies of Pages 1, 3 and 4 of
18 Mr. Michal’s Credit Report are filed herewith as **Exhibit 1**. Should the Court wish to make an
19 “*in camera*” review of Mr. Michal’s complete CinLegal Credit Report and Financial Report, I
20 will gladly make one available.

21 5. I also found two very troubling entries in Mr. Michal’s August 28, 2022, Credit
22 Report. The first is on Page 3 where it indicates that David Michal is the “Plaintiff” in an
23 Eastern District of California Chapter 7 Bankruptcy Docket Number 2222056, but **does not say**
24 **that the filing was an Involuntary Petition**. Thus, anyone, friend or foe, seeing that entry
25 would naturally believe that Mr. Michal had himself filed for bankruptcy, rather than being the
26 victim of an improperly filed Involuntary Petition.

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1 6. The second very troubling entry in Mr. Michal's August 28 Credit Report is at the
2 top of Page 1 and shows a current credit score for Mr. Michal of 702, projected to drop to 672.
3 When Mr. Michal and I discussed that on September 2, 2022, he told me that the score had
4 continued to drop because of the filing of the Involuntary Petition that now appears on his credit
5 report. (See Declaration of Dave R. Michal filed herewith.)

6 I declare under a penalty of perjury pursuant to the laws of the State of California that
7 the foregoing is true and correct. Executed September 2, 2022, at Redding, California.

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10 /s/ *Patricia Wilson*
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12 Patricia Wilson
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